

August 11, 2009

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20004

**RE: MB Docket No. 09-26; Implementation of the Child Safe Viewing Act;
Examination of Parental Control Technologies for Video or Audio
Programming**

Dear Ms. Dortch:

On August 4, 2009, the following broadcaster representatives met in person and via conference call with staff of the Media Bureau and commissioners' offices to discuss legal, operational and technical aspects of the current TV Parental Guidelines ratings system and proposed third-party ratings systems: Preston Padden, Susan Fox, David Dreispan, Ken Michel, Jerry Rapella, Tom Hankinson of The Walt Disney Company; Maureen O'Connell and Andy Setos of The News Corporation; Margaret Tobey of NBC Universal; Anne Lucey and Bob Seidel of CBS Corporation; and Jerianne Timmerman of the National Association of Broadcasters. In attendance from the FCC were Sherrese Smith of Chairman Genachowski's office; Rosemary Harold of Commissioner McDowell's office; and Bob Ratcliffe, Sarah Whitesell, Kim Matthews, Holly Saurer, Dave Konczal, John Norton, Allison Neplokh, John Gabrysch and Jeff Neumann of the Media Bureau.

The broadcaster representatives emphasized that the television industry and public interest group representatives agreed some 13 years ago to voluntarily adopt the TV Parental Guidelines that are now applied to content delivered via broadcast, cable, satellite, telcos and other MVPDs. They emphasized that network Standards and Practices departments take great time, care and attention to apply a TV rating to each and every episode of programming. They also noted that not only would it be infeasible to provide third-party ratings systems with advance copies of network programming, but it

would be undesirable for competitive, piracy and other concerns. Further, the broadcaster representatives noted that any government mandate that would require broadcasters and other content providers to carry, use or adopt a third-party ratings system would constitute compelled speech in violation of the First Amendment.

As to operational and technical aspects of the TV Parental Guidelines, the broadcaster representatives described the two separate discrete – and largely manual – processes for encoding ratings into the program stream and for displaying the ratings icon – for receipt by both analog and digital receivers. They stated that there are four pieces of information to track in these processes (1) the on-screen icon;(2) the CEA-608 (line 21) V-chip data for analog receivers; (3) the Electronic Program Guide (EPG / PSIP ATSC - A65) data for digital receivers; and (4) the cable and satellite guides. The processes for handling these pieces of information involve many separate parts, involving both manual and automated systems that have been developed individually by each network over the last 13 years to comply with the TV Parental Guidelines. Thus, there is no single piece of equipment or software – as reportedly set forth by DTV Innovations and Wi-LAN in this proceeding –that can simply substitute or be added on to the existing broadcast network systems in order to accommodate third-party ratings systems.

Sincerely,



Anne Lucey

cc: (email delivery)
Rosemary Harrold
Sarah Whitesell
Kim Matthews
Sherrese Smith